



Paper No. 5

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**OFFICE OF PETITIONS
A/C PATENTS**

In re Application of :
Amant et al. :
Application No. 09/643,227 :
Filed: 22 August, 2000 :
Attorney Docket No. T30364US :

ON PETITION

This is a decision on the petition filed on 6 November, 2000, requesting that a "Notice of Omitted Item(s) in a Nonprovisional Application" mailed on 12 October, 2000, in the above-identified application be withdrawn.

The application was filed on 22 August, 2000. However, on 12 October, 2000, Initial Patent Examination Division mailed a "Notice of Omitted Item(s) in a Nonprovisional Application" stating that the application had been accorded a filing date of 22 August, 2000, and advising applicants that Figure 10 described in the specification appeared to have been omitted.

In response, the present petition was filed. Petitioners explain that Figure 10 was not missing on 22 August, 2000. Instead, the drawings contained two labeled "Fig. 8A" and "Fig. 9," and the specification erroneously referred to Fig. 8A as Fig. 9, and Fig. 9 as Fig. 10. Therefore, all of the drawings described in the specification were in fact present on 22 August, 2000. The petition is accompanied by a preliminary amendment replacing the reference to (a) Figure 9 in the specification with Figure 8A, and (b) Figure 10 with Figure 9.

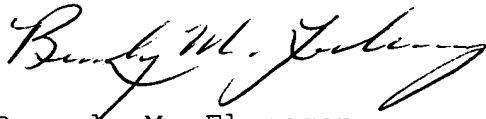
It is obvious from the petition that no drawing was actually missing on 22 August, 2000. Rather, the specification did not refer to the correct drawings as a result of applicant's filing error. However, the "Notice of Omitted Item(s) in a Nonprovisional Application" mailed on 12 October, 2000, was correct in stating that Figure 10 described in the specification appeared to have been omitted. Therefore, the "Notice" was properly mailed and will not be withdrawn.

The petition is dismissed.

Since the present petition was not necessitated by any error on the part of the Office, the \$130.00 petition fee will not be refunded. The preliminary amendment filed with the present petition will be considered in due course by the examiner.

The application is being returned to Initial Patent Examination Division for further processing with a filing date of 22 August, 2000, using the 10 sheets of drawings containing Figs. 1-8, 8A, and 9 filed on that date.

Telephone inquiries concerning this matter may be directed to Petitions Attorney Douglas I. Wood at 703.308.6918.



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